PROOF

STATE OF IOWA

Senate Journal

MONDAY, MARCH 10, 2014

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JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY THIRTY-THIRD SESSION DAY

Senate Chamber Des Moines, Iowa, Monday, March 10, 2014

The Senate met in regular session at 1:11 p.m., President Jochum presiding.

Prayer was offered by Reverend Robert Lindau of St. Paul's Lutheran Church in Council Bluffs, Iowa. He was the guest of Senator Boettger.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ryan Halder.

The Journal of Thursday, March 6, 2014, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 6, 2014, **adopted** the following resolution in which the concurrence of the Senate is asked:

<u>House Joint Resolution 2007</u>, a joint resolution nullifying racing and gaming commission rules related to the appeal of certain administrative actions and including effective date provisions.

Read first time and referred to committee on **State Government**.

ALSO: That the House has on March 6, 2014, **passed** the following bill in which the concurrence of the Senate is asked:

<u>House File 2288</u>, a bill for an act relating to reporting and other requirements concerning the department of administrative services and other state agencies.

Read first time and referred to committee on State Government.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:26 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:32 p.m., President Jochum presiding.

The Senate stood at ease at 1:33 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:40 p.m., President Jochum presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Ernst, Greiner, and Houser, until they arrive, on request of Senator Dix.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

LaQuanda Hoskins, Environmental Protection Commission

Sue Lerdal, Board of Parole

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 47:

Anderson	Courtney	Hogg	Schoenjahn
Beall	Danielson	Horn	Segebart
Behn	Dearden	Jochum	Seng
Bertrand	Dix	Johnson	Sinclair
Black	Dotzler	Kapucian	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Feenstra	McCoy	Taylor
Bowman	Garrett	Petersen	Whitver
Brase	Gronstal	Quirmbach	Wilhelm
Breitbach	Guth	Ragan	Zaun
Chapman	Hart	Rozenboom	Zumbach
Chelgren	Hatch	Schneider	

Nays, none.

Absent, 3:

Ernst Greiner Houser

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2330.

Senate File 2330

On motion of Senator Ragan, <u>Senate File 2330</u>, a bill for an act relating to reimbursement of community mental health centers under the medical assistance program for the fiscal year beginning July 1, 2013, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Ragan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2330), the vote was:

Yeas, 47:

Courtney Hogg Schoenjahn Anderson Danielson Horn Segebart Beall Behn Dearden Jochum Seng Johnson Sinclair Bertrand Dix Black Dotzler Kapucian Smith Boettger Dvorsky Mathis SoddersBolkcomFeenstra McCoy Taylor Bowman Garrett Whitver Petersen Brase Gronstal Quirmbach Wilhelm Breitbach Guth Ragan Zaun Chapman Hart Rozenboom Zumbach Chelgren Hatch Schneider

Nays, none.

Absent, 3:

Ernst Greiner Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration <u>Senate File 2321</u>.

Senate File 2321

On motion of Senator Sodders, <u>Senate File 2321</u>, a bill for an act relating to the state military forces by establishing response and reporting requirements for certain crimes and for the handling of allegations of sexual abuse in the state military forces, with report of committee without recommendation, was taken up for consideration.

Senator Sodders offered amendment $\underline{S-5051}$, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5051 was adopted by a voice vote.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2321), the vote was:

Yeas, 47:

Anderson	Courtney	Hogg	Schoenjahn
Beall	Danielson	Horn	Segebart
Behn	Dearden	Jochum	Seng
Bertrand	Dix	Johnson	Sinclair
Black	Dotzler	Kapucian	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Feenstra	McCoy	Taylor
Bowman	Garrett	Petersen	Whitver
Brase	Gronstal	Quirmbach	Wilhelm
Breitbach	Guth	Ragan	Zaun
Chapman	Hart	Rozenboom	Zumbach
Chelgren	Hatch	Schneider	

Nays, none.

Absent, 3:

Ernst Greiner Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2321** and **2330** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:01 p.m. until 4:00 p.m.

APPENDIX-1

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

COLLEGE STUDENT AID COMMISSION

Ethnic Diversity Report, pursuant to Iowa Code section 261.2. Report received on March 7,2014.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jan Jenkins, Fort Dodge - For her 43 years of service at Land O'Lakes upon retirement. Senator Beall.

Twyla Kleen, Pocahontas – For being named 2014 School Nurse of the Year. Senator Beall.

Randy Kuhlman, Fort Dodge – For earning the prestigious Catalyst Award from the Greater Fort Dodge Growth Alliance. Senator Beall.

Teresa Naughton, Fort Dodge – For earning the Volunteer of the Year Award from the Greater Fort Dodge Growth Alliance. Senator Beall.

INTRODUCTION OF RESOLUTION

<u>Senate Resolution 111</u>, by Quirmbach, a resolution honoring the sesquicentennial anniversary of the city of Ames.

Read first time under Rule 28 and referred to committee on **Rules** and **Administration**.

SUBCOMMITTEE ASSIGNMENTS

House File 2183

LOCAL GOVERNMENT: Hart, Chair; Chelgren and Wilhelm

House File 2376

COMMERCE: McCoy, Chair; Anderson and Schoenjahn

House File 2378

HUMAN RESOURCES: Mathis, Chair; Boettger and Dotzler

House File 2379

HUMAN RESOURCES: Wilhelm, Chair; Ragan and Segebart

House File 2417

HUMAN RESOURCES: Bolkcom, Chair; Johnson and Ragan

RECONVENED

The Senate reconvened at 4:05 p.m., President Jochum presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 10, 2014, **passed** the following bill in which the concurrence of the House was asked:

<u>Senate File 2200</u>, a bill for an act relating to the Iowa business corporation Act by removing limitations imposed on shareholders making long-term arrangements affecting the affairs of the corporation, and by providing for the delivery of financial information to shareholders.

ALSO: That the House has on March 10, 2014, **passed** the following bills in which the concurrence of the Senate is asked:

<u>House File 2435</u>, a bill for an act relating to taxation by updating the Code references to the Internal Revenue Code, providing for the repeal of the generation skipping transfer tax and Iowa estate tax, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on Ways and Means.

<u>House File 2436</u>, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

Read first time and referred to committee on Ways and Means.

House File 2438, a bill for an act relating to the administration of the tax and related laws of the state, including administration by the department of revenue of certain tax credits and refunds, income taxes, franchise taxes, sales and use taxes, hotel and motel taxes, and equipment taxes, and modifying provisions relating to the property assessment appeal board, and including effective date and retroactive applicability provisions.

Read first time and attached to similar Senate File 2272.

<u>House File 2439</u>, a bill for an act relating to core content standards, assessments, and curricula relating to student academic progress, and to the collection of and access to student data.

Read first time and referred to committee on Education.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kapucian, until he returns, on request of Senator Dix.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2282 and 2250.

Senate File 2282

On motion of Senator Dearden, <u>Senate File 2282</u>, a bill for an act providing for the issuance of Sullivan brothers' award of valor special motor vehicle registration plates, and providing fees, was taken up for consideration.

Senator Dearden moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2282), the vote was:

Yeas, 46:

Courtney Hogg Segebart Anderson Danielson Horn Beall Seng Behn Dearden Jochum Sinclair Johnson Smith Bertrand Dix Black Dotzler Mathis Sodders Boettger Dvorsky McCoy Taylor BolkcomFeenstra Petersen Whitver Bowman Wilhelm Garrett Quirmbach Brase Gronstal Ragan Zaun Breitbach Guth Rozenboom Zumbach Hart Schneider Chapman Chelgren Hatch Schoenjahn

Nays, none.

Absent, 4:

Ernst Greiner Houser Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2250

On motion of Senator Bowman, <u>Senate File 2250</u>, a bill for an act relating to the licensing of vehicle recyclers and defining the term "scrapping", was taken up for consideration.

Senator Bowman withdrew amendment <u>S-5050</u>, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Bowman offered amendment <u>S-5052</u>, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5052 was adopted by a voice vote.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2250), the vote was:

Yeas, 46:

Hogg Courtney Segebart Anderson Danielson Horn Seng Beall Behn Dearden Jochum Sinclair Johnson Smith Bertrand Dix Black Dotzler Mathis Sodders Boettger Dvorsky McCoy Taylor BolkcomFeenstra Whitver Petersen Bowman Wilhelm Garrett Quirmbach Brase Gronstal Ragan Zaun Breitbach Guth Rozenboom Zumbach Chapman Hart Schneider Chelgren Hatch Schoenjahn

Nays, none.

Absent, 4:

Ernst Greiner Houser Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2056

Senator Gronstal called up for consideration <u>Senate File 2056</u>, a bill for an act relating to whole grade sharing incentives for school districts, amended by the House in House amendment <u>S-5045</u>, filed March 4, 2014.

Senator Beall moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Beall moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2056), the vote was:

Yeas, 46:

Anderson	Courtney	Hogg	Segebart
Beall	Danielson	Horn	Seng
Behn	Dearden	Jochum	Sinclair
Bertrand	Dix	Johnson	Smith
Black	Dotzler	Mathis	Sodders
Boettger	Dvorsky	McCoy	Taylor
Bolkcom	Feenstra	Petersen	Whitver
Bowman	Garrett	Quirmbach	Wilhelm
Brase	Gronstal	Ragan	Zaun
Breitbach	Guth	Rozenboom	Zumbach
Chapman	Hart	Schneider	
Chelgren	Hatch	Schoenjahn	

Nays, none.

Absent, 4:

Ernst Greiner Houser Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 381

Senator Danielson called up the conference committee report on **House File 381**, a bill for an act concerning restrictions on dosage amounts for phenylbutazone in certain horse races, filed on February 27, 2014, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time. On the question "Shall the bill pass?" (H.F. 381), the vote was:

Yeas, 46:

Courtney Hogg Segebart Anderson Danielson Horn Beall Seng Behn Dearden Jochum Sinclair Johnson Smith Bertrand Dix Black Dotzler Mathis Sodders Boettger Dvorsky McCoy Taylor BolkcomFeenstra Petersen Whitver Bowman Garrett Wilhelm Quirmbach Brase Gronstal Ragan Zaun Breitbach Guth Rozenboom Zumbach Chapman Hart Schneider Chelgren Hatch Schoenjahn

Nays, none.

Absent, 4:

Ernst Greiner Houser Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that Senate Files 2056, 2250, and 2282 and <u>House File 381</u> be immediately messaged to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2284.

Senate File 2284

On motion of Senator Hart, <u>Senate File 2284</u>, a bill for an act relating to retail motor fuel sites, by requiring standards and practices to assist disabled individuals obtaining motor fuel, providing for enforcement by the department of agriculture and land stewardship, and including effective date provisions, was taken up for consideration.

Senator Hart offered amendment <u>S-5053</u>, filed by her from the floor to pages 1–3 and amending the title page of the bill.

(Senate File 2284 and amendment S-5053 were deferred.)

The Senate stood at ease at 4:32 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:53 p.m., President Jochum presiding.

The Senate resumed consideration of <u>Senate File 2284</u> and amendment $\underline{S-5053}$, previously deferred.

Senator Hart moved the adoption of amendment <u>S-5053</u>.

Amendment S-5053 was adopted by a voice vote.

Senator Hart moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2284), the vote was:

Yeas, 32:

Beall Bertrand Black Bolkcom Bowman Brase Chelgren Courtney Nays, 14:	Danielson Dearden Dotzler Dvorsky Garrett Gronstal Hart Hatch	Hogg Horn Jochum Mathis McCoy Petersen Quirmbach Ragan	Rozenboom Schoenjahn Seng Smith Sodders Taylor Wilhelm Zaun
Anderson Behn Boettger Breitbach	Chapman Dix Feenstra Guth	Johnson Schneider Segebart Sinclair	Whitver Zumbach

Absent, 4:

Ernst Greiner Houser Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2284** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2289.

Senate File 2289

On motion of Senator Bowman, <u>Senate File 2289</u>, a bill for an act establishing texting while driving as a primary traffic offense for purposes of law enforcement, was taken up for consideration.

Senator Bowman offered amendment <u>S-5044</u>, filed by him on March 4, 2014, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Whitver offered amendment <u>S-5054</u>, filed by Senators Whitver and Bowman from the floor to page 2 of amendment <u>S-5044</u>.

Senator Gronstal asked and received unanimous consent that action on amendment $\underline{S-5054}$ to amendment $\underline{S-5044}$, amendment $\underline{S-5044}$, and $\underline{Senate\ File\ 2289}$ be $\underline{deferred}$.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:16 p.m. until 9:00 a.m., Tuesday, March 11, 2014.

APPENDIX-2

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Clear Lake Lions Girls' Basketball Team - For being named Class 3A State Tournament Quarterfinalists. Senator Ragan.

REPORT OF COMMITTEE MEETING

TRANSPORTATION

Convened: Monday, March 10, 2014, 3:05 p.m.

Members Present: Bowman, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Behn, Brase, Breitbach, Danielson, Dearden, Dvorsky, Feenstra, Taylor, and Zumbach.

Members Absent: McCoy (excused).

Committee Business: Passed <u>HF 2181</u>; presentation of governor appointee.

Adjourned: 3:10 p.m.

INTRODUCTION OF BILL

Senate File 2333, by Ragan, Feenstra, Boettger, and Beall, a bill for an act relating to renewable fuels, by modifying the rate of the E-15 plus gasoline promotion tax credit and extending provisions for a biodiesel production refund, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways** and **Means**.

STUDY BILLS RECEIVED

SSB 3203 Ways and Means

Relating to the policy administration of the tax and related laws by the department of revenue, including the administrative appeals process for certain tax matters and a related study and report, the individual and corporate income tax and the franchise tax, and the sales and use taxes, and including effective date and applicability provisions.

SSB 3204 Ways and Means

Relating to the administration of the tax and related laws of the department of revenue, including powers and duties of the director and administration of the individual income tax, inheritance tax, motor fuel and special fuel taxes, and including retroactive applicability provisions.

SSB 3205 Ways and Means

Providing for the creation of first-time homebuyer savings accounts in Iowa, including related individual income tax exemptions, making penalties applicable, and including effective date and applicability provisions.

SSB 3206 Ways and Means

Relating to the exclusion from the computation of net income for the individual income tax of net capital gains from the sale of a business and including retroactive applicability provisions.

SSB 3207 Ways and Means

A study bill for an act placing a limit on the amount of investment tax credits that may be authorized, awarded, or issued by the economic development authority for any one project under the high quality jobs program or enterprise zone program, and including effective date and applicability provisions.

SSB 3208 Ways and Means

Exempting from the sales tax the sales price of a diesel fuel trailer or seed tender used primarily in agricultural production.

SSB 3209 Ways and Means

Exempting from the state sales tax the sales price from the sale or furnishing of metered water to residential customers and creating state and local residential metered water excise taxes.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2180

APPROPRIATIONS: Dotzler, Chair; Chapman and McCoy

Senate File 2331

WAYS AND MEANS: McCoy, Chair; Bolkcom and Schneider

House File 2388

EDUCATION: Hart, Chair; Boettger and Bowman

House File 2389

EDUCATION: Mathis, Chair; Beall and Johnson

House File 2397

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Johnson

SSB 3203

WAYS AND MEANS: Jochum, Chair; Bolkcom and Feenstra

SSB 3204

WAYS AND MEANS: Hogg, Chair; Feenstra and Seng

SSB 3205

WAYS AND MEANS: Petersen, Chair; Jochum and Smith

SSB 3206

WAYS AND MEANS: Hogg, Chair; Quirmbach and Schneider

SSB 3207

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Quirmbach

SSB 3208

WAYS AND MEANS: Seng, Chair; Behn and Black

SSB 3209

WAYS AND MEANS: Hogg, Chair; Dotzler and Feenstra

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: <u>SENATE RESOLUTION 104</u>, a resolution congratulating the Grand View University Vikings football team on winning the National Association of Intercollegiate Athletics National Championship.

Recommendation: DO PASS.

 $\textbf{Final Vote:} \ \ \, \text{Ayes, 9:} \ \ \, \text{Gronstal, Jochum, Dix, Courtney, Dearden, Dvorsky, Ragan,}$

Rozenboom, and Sodders. Nays, none. Absent, 2: Ernst and Whitver.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 110, a resolution recognizing March 2014 as Iowa

Women's History Month.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Jochum, Dix, Courtney, Dearden, Dvorsky, Ragan,

Rozenboom, and Sodders. Nays, none. Absent, 2: Ernst and Whitver.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 111, a resolution honoring the sesquicentennial

anniversary of the city of Ames.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Jochum, Dix, Courtney, Dearden, Dvorsky, Ragan,

Rozenboom, and Sodders. Nays, none. Absent, 2: Ernst and Whitver.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 2181, a bill for an act relating to the maximum weight of motor vehicles covered under the lemon law and including applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Bowman, Beall, Kapucian, Behn, Breitbach, Danielson, Dearden, Dvorsky, Feenstra, Taylor, and Zumbach. Nays, none. Absent, 2: Brase and

McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S - 5049	S.F.	2299	Chris Brase
S - 5050	S.F.	2250	Tod R. Bowman
S - 5051	S.F.	2321	Steven J. Sodders
S - 5052	S.F.	2250	Tod R. Bowman
S - 5053	S.F.	2284	Rita Hart
S - 5054	S.F.	2289	Jack Whitver
			Tod R. Bowman
S-5055	S.F.	2289	Brad Zaun